

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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**CYTOPHIL, INC.,**  
**Plaintiff,**

**v.**

**Case No. 16-C-0423**

**MERZ NORTH AMERICA, INC. and**  
**MERZ PHARMA GMBH & CO. KGAA,**  
**Defendants.**

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**ORDER**

On April 29, 2016, defendant Merz Pharma GmbH & Co. KGaA (“Merz Pharma”), filed a motion to dismiss the plaintiff’s claims against it for lack of personal jurisdiction and insufficient service of process. On the same day, Merz Pharma filed a motion to stay proceedings relating to the plaintiff’s motion for a preliminary injunction until Merz Pharma’s motion to dismiss was resolved. On August 2, 2016, the plaintiff informed the court that it would not oppose Merz Pharma’s motion to dismiss. Therefore, that motion will be granted, and Merz Pharma’s motion to stay will be denied as moot.

On May 12, 2016, defendant Merz North America, Inc., filed a motion to transfer this case to the Eastern District of North Carolina. On August 2, 2016, the plaintiff informed the court that it agreed that this case should be transferred to the Eastern District of North Carolina. Accordingly, the motion to transfer will be granted.

For the reasons stated, **IT IS ORDERED** that Merz Pharma’s motion to dismiss (ECF No. 22) is **GRANTED**.

**IT IS FURTHER ORDERED** that Merz Pharma’s motion to stay (ECF No. 26) is **DENIED** as **MOOT**.

**FINALLY, IT IS ORDERED** that Merz North America's motion to transfer (ECF No. 29) is **GRANTED**, and that the Clerk of Court **TRANSFER** this case to the United States District Court for the Eastern District of North Carolina.

Dated at Milwaukee, Wisconsin, this 16th of August 2016.

s/ Lynn Adelman

LYNN ADELMAN  
District Judge